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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PETER TIEMANN,)	Case No.: 2:24-cv-01935-JAM-JDP
)	
Plaintiffs,)	STIPULATION AND ORDER TO
)	DISMISS THE SECOND CAUSE OF
vs.)	ACTION AND FILE STIPULATION TO
)	REMAND CASE
COUNTY OF EL DORADO,)	
)	
Defendant.)	

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1 On or about August 2, 2024, good cause appearing and on stipulation of the parties, the
2 Court stayed this action for ninety (90) days (until October 30, 2024) due to an ongoing criminal
3 investigation into the shooting that underlies the basis for the action. ECF No. 11.

4 On or about October 31, 2024, the Court granted an additional stay for 60 days because the
5 criminal investigation was still open, pending forensic reports from the California Department of
6 Justice (DOJ) and a charging decision by the El Dorado County District Attorney's Office. ECF
7 No. 14.

8 On or about December 4, 2024, the El Dorado County Sheriff's Office received the
9 completed DOJ forensic reports. Using those reports, the El Dorado County Sheriff's Office was
10 to conclude its investigation and forward it to the El Dorado County District Attorney's Office for
11 review and a charging decision. Once the charging decision was issued, the El Dorado County
12 Sheriff's Office was to release the incident material to Defendants in this case who was then to
13 release such to Plaintiffs in this case. On January 31, 2025, the Court granted an additional stay
14 for 60 days that ended on February 12, 2025. ECF No. 16.

15 On or about February 28, 2025, the Court granted an additional stay for 90 days, to end on
16 May 27, 2025, because the criminal investigation was still open, pending the final approval stage
17 and was expected to be turned over the District Attorney's Office in the next 3-4 weeks. The
18 County was to transmit the incident material to Defendant's counsel as soon as the investigation
19 concluded, who would then transmit such to Plaintiff's counsel. It was agreed Plaintiffs would
20 need additional time to review such in order to evaluate how to proceed. ECF No. 18.

21 On or about April 4, 2025, Defendants provided an initial set of investigation materials
22 comprising primarily of photographs and text documents. On or about April 22, 2025, Plaintiffs
23 requested additional materials referenced in the initial set, and on or about April 28, 2025,
24 Defendant provided a second set of investigation materials comprising of additional photographs,
25 audio files, and video files. It was agreed would Plaintiffs require additional time to continue
26 reviewing the voluminous amount of investigation materials provided thus far and evaluate how
27 to proceed. ECF No. 19.

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1 On or about June 13, 2025, the Court granted an additional stay for 45 days, to end on July
2 25, 2025, because the criminal investigation materials were being reviewed by Plaintiffs for
3 evaluation and it was agreed Plaintiffs would need additional time to review such in order to
4 evaluate how to proceed. ECF No. 20.

5 Parties have since agreed to stipulate to dismiss the Second Cause of Action, for Violation
6 of U.S. Code Section 1983, from the operative Complaint thus leaving only state claims in this
7 matter. Parties further agree to stipulate to remand this case to state court as there will no longer
8 be any federal jurisdictional grounds.

9 Accordingly, the parties hereby stipulate to and request leave to dismiss the Second Cause
10 of Action, for Violation of U.S. Code Section 1983, from the operative Complaint. The Parties
11 agree to file a Joint Stipulation to Remand Removed Action after such time that the Second Cause
12 of Action is dismissed from the operative complaint.

13
14 **SO STIPULATED.**

15
16 Dated: June 10, 2025

ANGELO, KILDAY & KILDUFF, LLP

17 */s/ Derick E. Konz*
18 *(as authorized on 08/08/2025)*

19 By: _____
20 DERICK E. KONZ
21 JACOB J. GRAHAM
22 Attorneys for Defendants COUNTY OF
EL DORADO and JEFF LEIKAUF

23 Dated: June 10, 2025

TIEMANN LAW FIRM

24 */s/ Peter B. Tiemann*

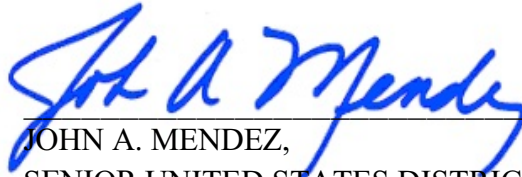
25 By: _____
26 PETER B. TIEMANN
27 JELENA TIEMANN
28 CARMEN D. OLMEDO
ANDREW LEDEZMA
Attorneys for Plaintiffs

ORDER

Good cause appearing and on stipulation of the parties, the Court **GRANTS** the parties' stipulation and hereby **DISMISSES** the Second Cause of Action, for Violation of U.S. Code Section 1983, from the operative Complaint. The Parties shall file a Stipulation to Remand the Case to the El Dorado County Superior Court on or before **August 27, 2025**.

IT IS SO ORDERED.

August 13, 2025



JOHN A. MENDEZ,
SENIOR UNITED STATES DISTRICT JUDGE